BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2009-185-W - ORDER NO. 2009-315

MAY 14, 2009

IN RE: Nicole Witham, Complainant/Petitioner, v Mr. and Mrs. Howard Burton, Defendant/Respondent	 ORDER SETTING HEARING AND REQUIRING CONTINUING WATER SERVICE UNTIL COMPLAINT RESOLUTION
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This matter comes before the Public Service Commission of South Carolina ("Commission") on the written complaint filed with this Commission by Nicole Witham against Mr. and Mrs. Howard Burton. The complaint alleges that the Burtons have been furnishing water service to Ms. Witham for compensation. We therefore hold that, although the Burtons have not applied to this Commission for a Certificate of Public Convenience and Necessity, the Burtons appear to be operating a "public utility" as defined in S.C. Code Ann. Section 58-5-10 (4) (Supp. 2008), which places the Burtons under the jurisdiction of this Commission.

Ms. Witham further alleges that the Burtons intend to cut off her water service and the water service of her neighbors at a Mobile Home Park in Abbeville County, South Carolina without giving them sufficient opportunity to obtain alternative water service. We hold that a hearing should be held to inquire further into the matters presented in Ms. Witham's complaint. The hearing shall be held on **Monday**, **August 24, 2009 at 2:00 PM** in the Commission Hearing Room.

In the meantime, the Burtons shall continue providing water service to all residences on the water system until this matter is resolved, or until further Order of this Commission.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

Elizabeth B. Fleming, Chairman

ATTEST:

John E. Howard, Vice Chairman

(SEAL)